

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SHANE K. HOPKINS,
PLAINTIFF

✓
C/O JOHN PUSEY, ETAL.,
DEFENDANT

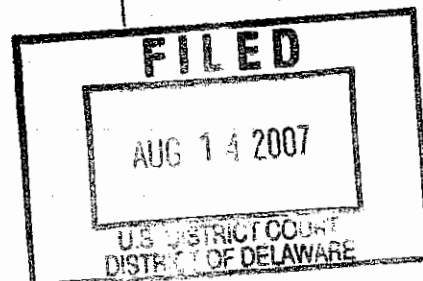
CA. No. 05-870-SLR

COMES NOW THE PLAINTIFF SHANE K. HOPKINS
MOTION IN SUPPORT OF SUBPOENAS REQUIRING DEFENDANTS
AND NON DEFENDANTS SUBMIT TO ORAL DEPOSITIONS.

1) THE PLAINTIFF SHANE K. HOPKINS IS NOW AND HAS
BEEN INCARCERATED FOR A PERIOD OF TIME IN EXCESS
OF (12) YEARS.

2) THE PLAINTIFFS ONLY SOURCE OF INCOME HAS BEEN
SMALL GIFTS FROM FAMILY MEMBERS AS THERE IS NO
OTHER WAY TO EARN INCOME.

3) THE COURTS HAVE TAKEN 20% OF WHAT FINANCES
THE PLAINTIFF HAS RECEIVED SINCE THE COMMENCEMENT
OF THIS ACTION FOR THE PURPOSE OF PAYMENT TOWARDS
THE \$250.00 FILING FEE.



Bo scanned

4) THE FILING FEE SHOULD BE NEARLY PAID LEAVING ROOM FOR ANY OTHER COSTS THAT THE PLAINTIFF MAY INCUR THROUGHOUT THE LITIGATION OF THIS MATTER.

5) THE PLAINTIFF WOULD ASK THAT THIS COURT REVIEW COLEMAN V. ST VINCENT DE PAUL SOCIETY, 144 F.R.D. 92, 95-96 (E.D. WIS 1992). THIS CASE DISCUSSES IN DETAIL THE MATTER OF IN FORMA PAUPERIS LITIGANTS AND THE COSTS SUBPOENAS, WITNESS FEES AND MILEAGE COSTS. WHEREIN THE UNITED STATES MARSHAL SERVICE WAS DIRECTED TO PAY THE AFOREMENTIONED COSTS.

6) YOUR HONOR THE PLAINTIFF IS MORE THEN WILLING TO PAY FOR ANY COSTS THAT HE MAY INCUR.** CALENDINE, 80 F.R.D. AT 28 SUGGESTS THAT IN FORMA PAUPERIS LITIGANTS ARE ULTIMATELY RESPONSIBLE FOR THE PAYMENT OF WITNESS FEES AND OTHER COSTS BUT THAT SUCH EXPENSES MAY BE ADVANCED BY THE GOVERNMENT AND REPAID BY THE LITIGANT AT THE CONCLUSION OF TRIAL.

7) THE PLAINTIFF HAS ATTACHED A (6) MONTH ACCOUNT BALLANCE TO THIS MOTION FOR REVIEW BY THIS COURT. FURTHERMORE THE PLAINTIFF IS DUE TO BE RELEASED IN 2009 WHEREBY THE COURTS COULD GARNISH THE PLAINTIFFS WAGES UNTILL SUCH LITIGATION COSTS ARE PAID.

** MARKS V. CALENDINE, 80 F.R.D. 24, 27 (N.D.W. VA. 1978)

- 8) Your Honor 28 U.S.C. § 1915 (c) Provides That: THE OFFICERS OF THE COURT SHALL ISSUE AND SERVE ALL PROCESS, AND PERFORM ALL DUTIES IN IN FORMA PAUPER'S CASES. WITNESSES SHALL ATTEND AS IN OTHER CASES, AND THE SAME REMEDIES SHALL BE AVAILABLE AS ARE PROVIDED FOR BY LAW IN OTHER CASES.
- 9) THE PLAINTIFF IS ASKING THAT THE COURT AFFORDS HIM THE SAME ABILITIES THROUGHOUT LITIGATION AS THE DEFENCE HAS.
- 10) THE PLAINTIFF CAN DEMONSTRATE THE NECESSITY OF THE TESTIMONY OF EACH WITNESS FOR WHICH SUBPOENAS HAVE BEEN REQUESTED.
- 11) THE PLAINTIFF BELIEVES THAT HE CAN DEPOSE THE REQUESTED DEFENDANTS AND NON DEFENDANTS WITHIN A (3) HOUR PERIOD BARRING ANY DELAYS BY THE DEFENCE.
- 12) YOUR HONOR I WOULD REQUEST THAT THE DEPOSITIONS BE TAKEN BY AUDIO RECORDING IN FRONT OF A NOTARY PUBLIC OFFICER THEREBY MITIGATING THE EXPENCE OF A COURT STENOGRAPHER. RULE 30 (b)(2) FED. R. CIV. P.

13) IF THE COURT DECIDES AGAINST THE PLAINTIFFS REQUESTS TO MAKE PAYMENTS TOWARDS THE COSTS OF LITIGATION THEN THE PLAINTIFF WILL NEED SOME ESTIMATION AS TO WHAT FINANCES WILL BE REQUIRED IN ORDER TO PROCEED WITH DEPOSITIONS. DUE TO THE PLAINTIFFS LENGTHY INCARCERATION IT'S NOT POSSABLE TO GUESS THE COSTS OF GAS AND MILEAGE.

H) IF NEEDED THE PLAINTIFF WILL ASK HIS FAMILY WHOM LIVE FROM PAY CHECK TO PAY CHECK FOR HELP. THAT REQUEST WILL BE UNFAIR TO THEM BUT AS AN IN FORMA PAUPER'S LITIGANT I HAVE NO OTHER OPTION.

15) C/O JOHN POSEY AND C/O JOE SMITH AS NAMED DEFENDANTS DO NOT REQUIRE PAYMENT FOR SUBPOENAS OR THE STATUTORY WITNESS FEE. IF I UNDERSTAND CORRECTLY. YOUR HONOR THIS BRINGS TO ISSUE THE FACT THAT I HAVE REQUESTED PERMISSION TO AMEND THE COMPLAINT ADDING SEVERAL NEW DEFENDANTS WHOM I HAVE ALSO REQUESTED BE SUBPOENAED FOR ORAL DEPOSITIONS. IF PERMISSION TO AMEND THE COMPLAINT IS GRANTED BY THIS COURT THEN THAT WOULD EFFECT THE COSTS THAT ARE AT ISSUE.

DATED: AUGUST 9TH 2007

Shane Hopkins

SHANE HOPKINS # 253918

D.C.C.

1181 Paddock Rd

SMYRNA DE 19977

DELAWARE CORRECTIONAL CENTER
SUPPORT SERVICES OFFICE
MEMORANDUM

TO: Shane Hopkins SBI#: 253918
FROM: Stacy Shane, Support Services Secretary
RE: 6 Months Account Statement
DATE: July 31, 2007

Attached are copies of your inmate account statement for the months of January, 2007 to June 30, 2007.

The following indicates the average daily balances.

<u>MONTH</u>	<u>AVERAGE DAILY BALANCE</u>
<u>Jan</u>	<u>42.94</u>
<u>Feb</u>	<u>23.56</u>
<u>March</u>	<u>21.00</u>
<u>April</u>	<u>55.62</u>
<u>May</u>	<u>25.17</u>
<u>June</u>	<u>19.03</u>

Average daily balances/6 months: 31.22

Attachments

CC File

Stacy Shane
7/31/07

Carol Pomeroy
7/31/07

Individual Statement From January 2007 to June 2007

Date Printed: 7/31/2007

Page 1 of 3

SBI 00253918	Last Name Hopkins	First Name Shane	MI K	Suffix	Beginning Month Balance: \$82.11	Ending Month Balance: \$0.97
Current Location: 22					Comments:	

Trans Type	Date	Deposit or Withdrawal Amount	Medical Hold	Non-Medical Hold	Balance	Trans #	MO# / Ck#	Pay To	Source Name
Canteen	1/2/2007	(\$37.19)	\$0.00	\$0.00	\$44.92	367598			
Mail	1/9/2007	\$50.00	\$0.00	\$0.00	\$94.92	370286	10327527090		C HOPKINS
Canteen	1/10/2007	(\$20.00)	\$0.00	\$0.00	\$74.92	370871			
Supplies-MailPosta	1/10/2007	\$0.00	\$0.00	(\$4.20)	\$74.92	371244		12/18/06	
Supplies-MailPosta	1/10/2007	\$0.00	\$0.00	(\$4.20)	\$74.92	371245		12/18/06	
Supplies-MailPosta	1/10/2007	\$0.00	\$0.00	(\$4.20)	\$74.92	371247		12/18/06	
Legal	1/16/2007	\$0.00	\$0.00	(\$18.00)	\$74.92	373221		12/06	
Canteen	1/17/2007	(\$25.26)	\$0.00	\$0.00	\$49.66	373874			
Legal	1/18/2007	(\$18.00)	\$0.00	\$0.00	\$31.66	374792		12/06	
Canteen	1/24/2007	(\$19.04)	\$0.00	\$0.00	\$12.62	376223			
Supplies-MailPosta	1/30/2007	(\$4.20)	\$0.00	\$0.00	\$8.42	379340		12/18/06	
Supplies-MailPosta	1/30/2007	(\$4.20)	\$0.00	\$0.00	\$4.22	379341		12/18/06	
Supplies-MailPosta	1/30/2007	(\$4.20)	\$0.00	\$0.00	\$0.02	379339		12/18/06	
Legal	2/2/2007	\$0.00	\$0.00	(\$8.00)	\$0.02	381804		JAN 2007	
Legal	2/2/2007	(\$0.02)	\$0.00	(\$7.98)	\$0.00	382083		JAN 2007	
Visit	2/5/2007	\$40.00	\$0.00	\$0.00	\$40.00	382246	10368761411-00054		C HOPKINS
Canteen	2/7/2007	(\$19.99)	\$0.00	\$0.00	\$20.01	383605			
Supplies-MailPosta	2/13/2007	\$0.00	\$0.00	(\$4.05)	\$20.01	385953		2/6/07	
Supplies-MailPosta	2/13/2007	\$0.00	\$0.00	(\$3.27)	\$20.01	385954		2/6/07	
Canteen	2/14/2007	(\$4.64)	\$0.00	\$0.00	\$15.37	386825			
Mail	2/16/2007	\$40.00	\$0.00	\$0.00	\$55.37	388391	5920401008		S RUSSELL
Supplies-MailPosta	2/16/2007	\$0.00	\$0.00	(\$3.27)	\$55.37	388651		2/6/07	
Supplies-MailPosta	2/16/2007	(\$4.05)	\$0.00	\$0.00	\$51.32	389281		2/6/07	
Supplies-MailPosta	2/16/2007	(\$3.27)	\$0.00	\$0.00	\$48.05	389282		2/6/07	
Supplies-MailPosta	2/16/2007	(\$3.27)	\$0.00	\$0.00	\$44.78	389422		2/6/07	
Canteen	2/21/2007	(\$19.90)	\$0.00	\$0.00	\$24.88	390738			
Canteen	2/28/2007	(\$13.99)	\$0.00	\$0.00	\$10.89	393697			
Legal	3/6/2007	\$0.00	\$0.00	(\$14.00)	\$10.89	396982		FEB 07	
Legal	3/9/2007	(\$7.98)	\$0.00	\$0.00	\$2.91	398633		JAN 2007	
Legal	3/9/2007	(\$2.91)	\$0.00	(\$11.09)	\$0.00	398652		FEB 07	
Mail	3/15/2007	\$50.00	\$0.00	\$0.00	\$50.00	401088	10368765191		C HOPKINS

Individual Statement From January 2007 to June 2007

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Date Printed: 7/31/2007

SBI	Last Name	First Name	MI	Suffix	Beginning Month Balance:	\$82.11
00253918	Hopkins	Shane	K		Ending Month Balance:	\$0.97
Current Location:	22	Comments:				

Trans Type	Date	Deposit or Withdrawal Amount	Medical Hold	Non-Medical Hold	Balance	Trans #	MO# / Ck#	Pay To	Source Name
Supplies-MailPosta	6/1/2007	(\$0.39)	\$0.00	\$0.00	\$9.80	437541		4/12/07	
Supplies-MailPosta	6/1/2007	(\$0.39)	\$0.00	\$0.00	\$9.41	437542		4/12/07	
Supplies-MailPosta	6/1/2007	(\$0.63)	\$0.00	\$0.00	\$8.78	437913		5/4/07	
Mail	6/5/2007	\$50.00	\$0.00	\$0.00	\$58.78	439262	11101908273		C HOPKINS
Canteen	6/6/2007	(\$8.72)	\$0.00	\$0.00	\$50.06	439432			
Legal	6/8/2007	\$0.00	\$0.00	(\$8.00)	\$50.06	440896		6/07	
Legal	6/8/2007	(\$8.00)	\$0.00	\$0.00	\$42.06	440927		6/07	
Canteen	6/13/2007	(\$19.97)	\$0.00	\$0.00	\$22.09	442137			
Supplies-MailPosta	6/15/2007	\$0.00	\$0.00	(\$0.58)	\$22.09	443983		5/28/07	
Supplies-MailPosta	6/15/2007	\$0.00	\$0.00	(\$0.75)	\$22.09	443984		5/28/07	
Canteen	6/20/2007	(\$19.79)	\$0.00	\$0.00	\$2.30	445225			
Supplies-MailPosta	6/21/2007	(\$0.75)	\$0.00	\$0.00	\$1.55	446807		5/28/07	
Supplies-MailPosta	6/21/2007	(\$0.58)	\$0.00	\$0.00	\$0.97	446806		5/28/07	
					Ending Month Balance:				
					\$0.97				

Total Amount Currently on Medical Hold: \$0.00

Total Amount Currently on Legal Hold: \$0.00

Total Amount Currently on Restitution Hold: \$0.00

Total Amount Currently on Other Hold: (\$0.82)

Individual Statement From January 2007 to June 2007

Page 2 of 3

Date Printed: 7/31/2007

SBI	Last Name	First Name	MI	Suffix	Beginning Month Balance:	Ending Month Balance:
00253918	Hopkins	Shane	K		\$82.11	\$0.97
Current Location: 22					Comments:	

Trans Type	Date	Deposit or Withdrawal Amount	Medical Hold	Non-Medical Hold	Balance	Trans #	MO# / Ck#	Pay To	Source Name
Supplies-MailPosta	3/19/2007	\$0.00	\$0.00	(\$0.39)	\$50.00	401990		3/13/07	
Supplies-MailPosta	3/19/2007	\$0.00	\$0.00	(\$0.39)	\$50.00	402016		3/13/07	
Canteen	3/21/2007	(\$20.00)	\$0.00	\$0.00	\$30.00	402817			
Supplies-MailPosta	3/22/2007	(\$0.39)	\$0.00	\$0.00	\$29.61	404723		3/13/07	
Supplies-MailPosta	3/22/2007	(\$0.39)	\$0.00	\$0.00	\$29.22	404742		3/13/07	
Canteen	3/28/2007	(\$13.11)	\$0.00	\$0.00	\$16.11	406489			
Pay-To	3/30/2007	(\$3.00)	\$0.00	\$0.00	\$13.11	407749		PROJECT AWARE	
Mail	4/3/2007	\$50.00	\$0.00	\$0.00	\$63.11	409647	10327528056		C HOPKINS
Canteen	4/4/2007	(\$1.94)	\$0.00	\$0.00	\$61.17	409780			
Legal	4/5/2007	\$0.00	\$0.00	(\$8.00)	\$61.17	410593		MARCH 07	
Legal	4/5/2007	(\$11.09)	\$0.00	\$0.00	\$50.08	411262		FEB 07	
Legal	4/5/2007	(\$8.00)	\$0.00	\$0.00	\$42.08	411283		MARCH 07	
Canteen	4/11/2007	(\$20.00)	\$0.00	\$0.00	\$22.08	412880			
Mail	4/16/2007	\$40.00	\$0.00	\$0.00	\$62.08	415264	5920401204		A RUSSELL
Canteen	4/18/2007	(\$19.51)	\$0.00	\$0.00	\$42.57	416304			
Mail	4/18/2007	\$50.00	\$0.00	\$0.00	\$92.57	416681	10327528146		L HOPKINS
Supplies-MailPosta	4/24/2007	\$0.00	\$0.00	(\$0.63)	\$92.57	419277		4/4/07	
Canteen	4/25/2007	(\$28.75)	\$0.00	\$0.00	\$63.82	419682			
Legal	5/1/2007	\$0.00	\$0.00	(\$26.00)	\$63.82	422801		APR 07	
Canteen	5/2/2007	(\$18.60)	\$0.00	\$0.00	\$45.22	422878			
Legal	5/4/2007	(\$26.00)	\$0.00	\$0.00	\$19.22	424647		APR 07	
Canteen	5/7/2007	\$4.80	\$0.00	\$0.00	\$24.02	424690		REFUND	
Canteen	5/9/2007	(\$19.94)	\$0.00	\$0.00	\$4.08	426161			
Supplies-MailPosta	5/16/2007	\$0.00	\$0.00	(\$0.39)	\$4.08	428829		4/12/07	
Supplies-MailPosta	5/16/2007	\$0.00	\$0.00	(\$0.39)	\$4.08	428830		4/12/07	
Canteen	5/16/2007	(\$3.40)	\$0.00	\$0.00	\$0.68	428936	11101905393		
Mail	5/18/2007	\$50.00	\$0.00	\$0.00	\$50.68	429986			C HOPKINS
Canteen	5/23/2007	(\$19.92)	\$0.00	\$0.00	\$30.76	431405			
Supplies-MailPosta	5/25/2007	\$0.00	\$0.00	(\$0.63)	\$30.76	432776		5/4/07	
Canteen	5/30/2007	(\$19.94)	\$0.00	\$0.00	\$10.82	434377			
Supplies-MailPosta	6/1/2007	(\$0.63)	\$0.00	\$0.00	\$10.19	436900		4/4/07	

Certificate of Service

I, SHANE K. Hopkins, hereby certify that I have served a true
and correct cop(ies) of the attached: MOTION TO SUBPOENA WITNESSES
FOR ORAL DEPOSITIONS upon the following
parties/person (s):

TO: STACEY XARCHOULAKOS
DEPUTY ATTORNEY GENERAL
820 N. FRENCH ST 6TH FLOOR
WILMINGTON DELAWARE
19801

TO: _____

TO: _____

TO: _____

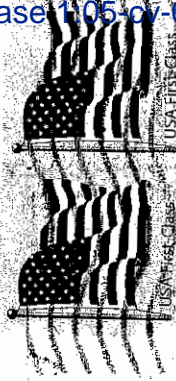
BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this _____ day of August, 2007

IM Shane Hopkins
SBI# 253918 UNIT 22
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

"Legal Mail"
MAILED 8-10-07

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